

MONTANA LEGISLATIVE HISTORY

Chapter 177 1997

Bill H 322 S _____

Original bill & history ☒

H. Committee on Local Gov't.

S. Committee on Local Gov't.

Hearing Date(s) _____ c

2/4 ☒ c

_____ c

_____ c

Date Out _____ c

Hearing Date(s) _____ c

3/13 _____ c

_____ c

_____ c

out 3/13 ☒

Did this bill originate in an interim committee? _____ Yes ☒ No

Committee _____

Report _____

HB 322 INTRODUCED BY MCCULLOCH, ET AL. LC1175 DRAFTER: CAMPBELL

PROVIDE FOR AN ELECTION ON THE QUESTION OF ENLARGING A
TRANSPORTATION DISTRICT

1/22	INTRODUCED		
1/22	FIRST READING		
1/22	REFERRED TO LOCAL GOVERNMENT		
1/22	FISCAL NOTE REQUESTED		
1/24	FISCAL NOTE RECEIVED		
1/30	FISCAL NOTE PRINTED		
2/03	FISCAL NOTE RECEIVED		
2/04	HEARING		
2/06	FISCAL NOTE PRINTED		
2/07	COMMITTEE REPORT—BILL PASSED		
2/08	2ND READING PASSED	81	17
2/10	3RD READING PASSED	80	20
	TRANSMITTED TO SENATE		
2/11	FIRST READING		
2/11	REFERRED TO LOCAL GOVERNMENT		
3/13	HEARING		
3/18	COMMITTEE REPORT—BILL CONCURRED		
3/21	2ND READING CONCURRED	26	23
3/21	SEGREGATED FROM COMMITTEE OF WHOLE REPORT	47	1
3/24	2ND READING CONCURRED	35	15
3/25	3RD READING CONCURRED	38	11
	RETURNED TO HOUSE		
3/26	SIGNED BY SPEAKER		
3/27	SIGNED BY PRESIDENT		
3/28	TRANSMITTED TO GOVERNOR		
4/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 177		
	EFFECTIVE DATE: 10/01/97		

HB 323 INTRODUCED BY BOHARSKI, ET AL. LC0337 DRAFTER: MACMASTER

PROHIBIT MARRIAGE BETWEEN PERSONS OF THE SAME SEX

1/22	INTRODUCED		
1/22	FIRST READING		
1/22	REFERRED TO JUDICIARY		
2/13	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED		
2/22	2ND READING PASSED	79	8
2/26	3RD READING PASSED	83	16
	TRANSMITTED TO SENATE		
3/03	FIRST READING		
3/03	REFERRED TO JUDICIARY		
3/17	HEARING		
3/19	COMMITTEE REPORT—BILL CONCURRED		
3/22	2ND READING CONCURRED AS AMENDED	42	7
3/24	3RD READING CONCURRED	45	5
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	59	40
4/11	3RD READING CONCURRED AS AMENDED	73	23
4/20	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
4/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 424		
	EFFECTIVE DATE: 10/01/97		

1
2 INTRODUCED BY *McClellan* *Van Vleetburg* *Denney* *Hollys*
3 *Carrollianella* House BILL NO. 322
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN ELECTION ON THE QUESTION OF
5 ENLARGING A TRANSPORTATION DISTRICT; REDUCING THE NUMBER OF SIGNATURES NEEDED ON A
6 PETITION TO ENLARGE A TRANSPORTATION DISTRICT FROM 51 PERCENT TO 20 PERCENT; AND
7 AMENDING SECTIONS 7-14-203, 7-14-204, 7-14-207, 7-14-208, 7-14-209, 7-14-210, AND 7-14-241,
8 MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 7-14-203, MCA, is amended to read:

13 "7-14-203. **Petition to create or enlarge an urban transportation district.** Proceedings for creation
14 of creating or enlarging a transportation district may be initiated by a petition signed by not less than 20%
15 of the registered electors who reside within the proposed district or the area to be added to an existing
16 district."

17
18 **Section 2.** Section 7-14-204, MCA, is amended to read:

19 "7-14-204. **Details relating to petition.** The petition under 7-14-203 ~~shall~~ must include a map
20 showing the limits of the proposed district or the area to be added to an existing district and ~~shall~~ must be
21 in the form provided in Title 13, chapter 27."

22
23 **Section 3.** Section 7-14-207, MCA, is amended to read:

24 "7-14-207. **Presentation of petition to board of county commissioners -- hearing required.** (1)
25 ~~Provided~~ If the petition contains the signatures of 20% of the qualified electors of the proposed
26 transportation district or the area proposed to be added to an existing district, the county clerk shall present
27 the petition and ~~his~~ the county clerk's certificate to the commissioners at their first meeting held after ~~he~~
28 the county clerk has attached ~~his~~ the certificate to the petition.

29 (2) Upon receipt of the petition from the county clerk, the ~~The~~ commissioners shall ~~thereupon~~
30 examine the petition and shall by resolution call for a public hearing on the creation of ~~such~~ the district or

1 the enlargement of the district."

2
3 **Section 4.** Section 7-14-208, MCA, is amended to read:

4 **"7-14-208. Notice of hearing.** (1) A notice of the public hearing required by 7-14-207 ~~shall~~ must
5 be published in a newspaper having general circulation within the proposed transportation district ~~or~~
6 addition to the district once each week for at least 2 weeks, the last publication to be at least 2 weeks prior
7 to the hearing. If there is ~~no~~ not a newspaper having general circulation within the proposed district ~~or~~
8 addition, the notice of public hearing ~~shall~~ must be posted in at least three public places within the
9 proposed district for 2 weeks prior to the hearing.

10 (2) The notice ~~shall~~ must state the time, date, place, and purpose of the hearing and describe the
11 boundaries of the proposed district or addition."

12
13 **Section 5.** Section 7-14-209, MCA, is amended to read:

14 **"7-14-209. Hearing on petition.** (1) At the time fixed for the public hearing required by 7-14-207,
15 the commissioners shall hear all testimony offered in support of and in opposition to any petition ~~and for~~
16 the creation of the district or addition to a district.

17 (2) The ~~hearings~~ hearing may be adjourned from time to time for the determination of additional
18 information or hearing petitioners or objectors, but ~~no~~ adjournment may not exceed 2 weeks after the date
19 originally noticed and published for the hearing."

20
21 **Section 6.** Section 7-14-210, MCA, is amended to read:

22 **"7-14-210. Election on question of creating urban transportation district or addition to a district**
23 (1) The commissioners, upon completion of the public hearing required by 7-14-207, shall proceed ~~by~~
24 resolution to refer the creation of the district or addition to a district to the persons qualified to vote on the
25 proposition.

26 (2) The commissioners may designate in their resolution whether a special election is to be held
27 in conjunction with a regular or primary election, ~~or~~ whether the matter is to be determined at the next
28 general election, or whether the matter is to be determined by a mail ballot election held pursuant to the
29 provisions of Title 13, chapter 19. If a special election is ordered, the order must specify the date for the
30 election and the voting places and the commissioners shall appoint and designate election judges and

clerks."

Section 7. Section 7-14-241, MCA, is amended to read:

"7-14-241. Procedure to ~~enlarge district or~~ be included in district or to remove an addition to a district. ~~(1) The boundaries of any transportation district may be enlarged if 51% of the qualified electors of the area to be added to the existing district sign a petition requesting addition to the district.~~

~~(2)~~(1) A real property owner may petition to have that owner's property included in a district.

~~(3)~~ Each The addition of the real property owner's property must be approved by a majority vote of the transportation board.

~~(4)~~(2) The An area added to a district pursuant to ~~subsection (1)~~ this part may be removed if the area does not directly receive transportation services from the district and 51% of the qualified voters in the area sign a petition requesting to be removed from the district. The removal of the area is effective 60 days after submission of the petition to the transportation board unless within that time, it is determined that the petition contains insufficient signatures for removal of the area. An insufficient petition must be returned to the petitioners, who may resubmit a corrected version within 90 days.

~~(5)~~(3) (a) All property within any addition to ~~the a~~ district is subject to all existing indebtedness of the district.

(b) Property within an area removed from ~~the a~~ district is not subject to the district's existing indebtedness if the area was added to the district within 5 years of the date on which the petition for removal was submitted to the transportation board."

-END-

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Vice Chairman David Ewer, on February 4, 1997,
at 3:00 P.M., in Room 104.

ROLL CALL

Members Present:

Rep. Chris Ahner, Vice Chairman (Majority) (R)
Rep. David Ewer, Vice Chairman (Minority) (D)
Rep. Ellen Bergman (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Matt Brainard (R)
Rep. Bill Carey (D)
Rep. Matt Denny (R)
Rep. Charles R. Devaney (R)
Rep. Tim Dowell (D)
Rep. Jon Ellingson (D)
Rep. Antoinette R. Hagener (D)
Rep. Sam Kitzenberg (R)
Rep. Deb Kottel (D)
Rep. Bob Lawson (R)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Wes Prouse (R)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)

Members Excused: None

Members Absent: Rep. Norm Mills, Chairman (R)

Staff Present: Bart Campbell, Legislative Services Division
Debbie Thompson, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 312-1/22
HB 315-1/22
HB 316-1/22
HB 318-1/22
~~HB 322~~-1/22

Executive Action: None

HEARING ON HB 315

Sponsor: Rep. Billie Krenzler, HD 17

Tom Harrison, Montana Society of Certified Public Accountants {Tape: 2; Side: B; Approx. Time Count: 21.5-25.0; Comments: discussed concerns regarding resolution of audit findings, Department of Revenue-punitive measures; audit scope and standards; reasonableness of distributions too open-ended.}

Tom Daubert, Montana Association of Oil, Gas and Coal Counties

Howard Gipe, Flathead County Commissioner, **Exhibit 8** {Tape: 2; Side: B; Approx. Time Count: 25.6-26.9; Comments: nine feet of snow this year; bill would result in a disaster.}

Tom Allen, Granite County, **Exhibit 9**-letter

Larry Dolezal, Lincoln County, **Exhibit 10**-charts of impacts, 10a-letter {Tape: 2; Side: B; Approx. Time Count: 27.9-Tape: 3-6.0; Comments: endangered communities; dealing with fluxuations.}

Cort Harrington, County Treasurers Association-oppose, concern of punitive measures, heavy-handed.

Barbara Evans, Missoula County

Horace Brown, Missoula County Surveyor, **Exhibit 11**

Harold Blattier, Stillwater County

Ward Jackson, Madison County Commissioner

Steve Wheat, Sanders County Commissioner {Tape: 3; Side: A; Approx. Time Count: 12.8; Comments: \$320,000 loss, affects everybody.}

Rep. Ed Grady, District 55

Informational Testimony: Curt Nichols, Budget Office {Tape: 3; Side: A; Approx. Time Count: 14.1.}

Questions From Committee Members and Responses: None

Closing by Sponsor: Rep. Hanson closed. {Tape: 3; Side: A; Approx. Time Count: 15.0-20.8; Comments: need to eliminate; will net more money into the system; suggested amending the bill.}

HEARING ON HB 322

Sponsor: Rep. Linda McCulloch, HD 70 {Tape: 3; Side: A; Approx. Time Count: 22.3; Comments: transportation districts.}

Proponents: Mike Kress, Assistant General Manager, Missoula Urban Transportation District, **Exhibit 12**, 12a

Gordon Morris, MACO

Opponents: None

Questions From Committee Members and Responses: {Tape: 3; Side: A; Approx. Time Count: 2.9-4.6; Comments: past attempts to enlarge districts.}

Closing by Sponsor: Rep. McCulloch closed {Tape: 3; Side: A; Approx. Time Count: 4.6-5.4; Comments: creates consistency for creating and enlarging districts; public growth, customer base.}

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Norm Mills, on February 6, 1997, at 3:17 P.M., in Room 104.

ROLL CALL

Members Present:

Rep. Norm Mills, Chairman (R)
Rep. Chris Ahner, Vice Chairman (Majority) (R)
Rep. David Ewer, Vice Chairman (Minority) (D)
Rep. Ellen Bergman (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Matt Brainard (R)
Rep. Bill Carey (D)
Rep. Matt Denny (R)
Rep. Charles R. Devaney (R)
Rep. Tim Dowell (D)
Rep. Jon Ellingson (D)
Rep. Antoinette R. Hagener (D)
Rep. Sam Kitzenberg (R)
Rep. Deb Kottel (D)
Rep. Bob Lawson (R)
Rep. Linda McCulloch (D)
Rep. Wes Prouse (R)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)

Members Excused: Rep. Daniel W. McGee (R)

Members Absent: None

Staff Present: Bart Campbell, Legislative Services Division
Debbie Thompson, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 338-1/23
HB 351-1/24
SB 77-1/23
SB 121-1/23

Executive Action: HB 322 DO PASS
HB 317 DO PASS
HB 316 DO PASS
HB 318 DO PASS
HB 351 DO PASS
SB 77 DO CONCUR
SB 121 DO CONCUR
HB 248 DO PASS AS AMENDED
HB 253 DO PASS AS AMENDED
HB 315 DO PASS

EXECUTIVE ACTION ON HB 351

Motion/Vote: Rep. Bookout moved DO PASS HB 351. The question was called. The motion PASSED on a voice vote with two no votes by Rep. Dowell and Lawson.

EXECUTIVE ACTION ON HB 318

Motion/Vote: Rep. Ewer moved DO PASS HB 318. {Tape: 2; Side: B; Approx. Time Count: 17.8; Comments: fixing so not out of compliance; local control anyway.} The question was called. The motion PASSED on a roll call vote 15-3 with Reps. Bergman, Denny and Prouse voting no.

EXECUTIVE ACTION ON HB 322

Motion/Vote: Rep. McCulloch moved DO PASS HB 322. The question was called. The motion PASSED unanimously on a voice vote. {Tape: 2; Side: B; Approx. Time Count: 22.2-26.6.}

EXECUTIVE ACTION ON HB 316

Motion/Vote: Rep. Ewer moved DO PASS HB 316. The question was called. The motion PASSED on a roll call vote 9-7. {Tape: 2; Side: B; Approx. Time Count: 27.1.}

EXECUTIVE ACTION ON HB 317

Motion/Vote: Rep. Carey moved DO PASS. The question was called. The motion PASSED with one no vote by Rep. Brainard.

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By CHAIRMAN TOM BECK, on March 13, 1997, at 3:18 p.m., in Room 405.

ROLL CALL

Members Present:

Sen. Thomas A. "Tom" Beck, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Dorothy Eck (D)
Sen. Sharon Estrada (R)
Sen. Wm. E. "Bill" Glaser (R)
Sen. Don Hargrove (R)
Sen. John "J.D." Lynch (D)
Sen. Walter L. McNutt (R)
Sen. Fred R. Van Valkenburg (D)

Members Excused: None

Members Absent: None

Staff Present: Martha Colhoun, Legislative Services Division
Jodi Jones, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 322, HB 317, HB 318, HB 319
Posted: 3/4/97

Executive Action: HB 319 Be Concurred In
HB 317 Be Concurred In
HB 322 Be Concurred In

HEARING ON HB 322

Sponsor: REP. LINDA MCCULLOCH, HD 70, Missoula

Proponents:

Mike Kress, Missoula Urban Transportation District
Beryl Stover, Missoula Urban Transportation District
Gordon Morris, Montana Assoc. of Counties

Opponents: None

Opening Statement by Sponsor:

REP. LINDA MCCULLOCH, HD 70, Missoula, presented HB 322. This bill deals with the growing need for public transportation. There is an aging population and senior citizens need to be able to get to medical services, stores, etc. The purpose of this bill is to create a consistency between a creation of a transportation district and enlarging that transportation district. The current law say there needs to be a petition signed by 20 percent of the registered voters and they would like to keep this process in place. The second part, deals with having a vote of the people to enlarge the district, currently there is the petition process only. Section 5, of the bill, still requires a public hearing. The mail ballot was also added to make it easier and will cost less than having an election.

Proponents' Testimony:

Mike Kress, Missoula Urban Transportation District, spoke in favor of HB 322. He said their organization provides public transportation service to the Missoula area. They would like to enlarge the district by the petition process and have a vote of the people.

Beryl Stover, Missoula Urban Transportation District, handed out testimony in support of HB 322 (EXHIBIT 1).

Gordon Morris, MACo, said there are three transportation districts in the state and this would facilitate boundary problems as cities grow.

Opponents' Testimony: NoneQuestions From Committee Members and Responses:

SENATOR DON HARGROVE asked if this is necessary because we already have an election to form a transportation district and within that it can also be dissolved. Can't it be dissolved and then new boundaries can be drawn up and the district can be reformed. Mike Kress said section 1 deals with enlarging and removing the district. We don't want to dissolve the district.

SENATOR MIKE SPRAGUE said Section 7, lines 1-20 talks about the procedure and this is a concern. REP. MCCULLOCH said line 11 states that it takes 51 percent of the qualified voters in the area to expand the district and they still can petition to be removed from the district. The only section that has been removed is the section dealing with enlarging a district.

SENATOR SPRAGUE said line 4 is new language. If we remove the indebtness, it take 5 years, but it only takes a short time to add it. REP. MCCULLOCH said this is why there is the 51 percent to remove the district. In order to enlarge a district, you may

have to buy a new bus or encounter other costs. **Mike Kress** said currently their district is not in a debt situation.

SENATOR SPRAGUE said line 4 was a drafting error and this is why it is underlined.

CHAIRMAN TOM BECK asked if it is unusual to require 51 percent of the people to come in and petition and is there a reason for this high percentage. **Gordon Morris** said most of the RSID statutes are based on 51 percent of the district and this parallels those.

Closing by Sponsor:

REP. MCCULLOCH said transportation districts are customer based service providers and they want to make sure they have the input of their customers, before expanding the district.

HEARING ON HB 317

Sponsor: **REP. KIM GILLAN, HD 11, Billings**

Proponents:

Gordon Morris, MT Assoc. of Counties
Ron Alles, Lewis and Clark Co.

Opponents:

Dave Wood, Self

Opening Statement by Sponsor:

REP. KIM GILLAN, HD 11, Billings, presented HB 317. This bill is an act establishing that the costs to a county of administering a rural special improvement district maintenance fund are a cost of maintaining the district. There is a cap on the administrative fee of less than \$500 or 5 percent of the annual levy. These districts benefit only the property owners within those district boundaries and not the county as a whole. For some of the RSID's, there is substantial administrative costs associated with the district.

Proponents' Testimony:

Gordon Morris, MACo, rose in support of HB 317. He said some counties have over 300 RSID's and they are being administered by the General Fund. This bill would allow for an assessment of an administrative fee of \$500 or five percent of the district.

Ron Alles, Lewis and Clark Co., said their county has many RSID's. This is a substantial cost to the county in both time and auditing of those districts.

Opponents' Testimony:

SENATOR LYNCH said it is almost like a user fee and the ones who pay for it should be the ones that get to use it.

SENATOR HARGROVE said he still thinks they already have authorization to do it within the district.

SENATOR SPRAGUE asked if a county is doing a SID in a rural area does it apply to everyone in the county or just the district. Gordon Morris said if it can't be done under Title 7 (d) to the people within the district, then it goes to everybody. This bill will clarify that authority.

SENATOR ECK asked how many are doing it right now? Gordon Morris said some are clearly doing it and others are not. Yellowstone Co. is clearly not doing it at this time and this would clarify it for them.

Vote:

MOTION THAT HB 317 BE CONCURRED IN PASSED 5-4 ON A ROLL CALL VOTE.

EXECUTIVE ACTION ON HB 322

MOTION/VOTE:

SENATOR ESTRADA MOVED HB 322 BE CONCURRED IN. MOTION PASSED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 190

Motion:

SENATOR ESTRADA MOVED HB 190 BE TABLED.

Discussion:

SENATOR ESTRADA said she does a lot of genealogy work and she is concerned about the destruction of any kind of records.

SENATOR ECK said any one who does genealogy work would want a specific procedure so things aren't thrown out that are useful.

SENATOR VAN VALKENBURG said the big problem is there is no retention schedule put out in regard to school records. Another concern is that it takes the bureaucrats too long to publish the schedule. He said section 2 of the bill should be stuck because that lets the board of trustees throw out anything they want without review.

SENATOR HARGROVE asked what good is a retention schedule if we take out section 2? SENATOR VAN VALKENBURG said if we take out section 2, then we are reinstating the stricken language so that